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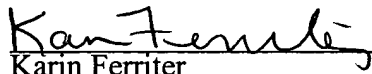
Attention: Claudia Grillo

Dear Ms. Axelrad:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 4,937,078. The application was filed on June 7, 2004, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Inquiries regarding this communication should be directed to the undersigned at (571)272-7744 (telephone) or (571)273-7744 (facsimile).


Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul E. Dietze
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave., NW
Washington DC 20004

RE: Surpass® (diclofenac sodium)
Docket No. 04E-0389